

**REGULAR MEETING OF THE
BRIGHAM CITY COUNCIL
JUNE 4, 2009**

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|---------------|-----------------------|---------------------------------|
| PRESENT: | Lou Ann Christensen | Mayor |
| | Bruce Christensen | Councilmember |
| | Scott Ericson | Councilmember |
| | Reese Jensen | Councilmember |
| | Ruth Jensen | Councilmember |
| | Bob Marabella | Councilmember |
| ALSO PRESENT: | Rick Bosworth | Human Resource Coordinator |
| | Ben Boyce | Leisure Services Director |
| | Jim Buchanan | Emergency Services Director |
| | Mary Kate Christensen | City Recorder |
| | Blake Fønnesbeck | Public Works Director |
| | Jared Johnson | Community Development Manager |
| | Paul Larsen | Economic Development Director |
| | Kristy Law | Recreation Supervisor |
| | Bruce Leonard | City Administrator |
| | Sara Lundberg | Museum-Gallery Director |
| | Kirk Morgan | City Attorney |
| | Mike Nelsen | Police Lieutenant |
| | Scott Oldham | Parks Superintendent |
| | Tyler Pugsley | Public Works Assistant Director |
| | Jason Roberts | Finance Director |
| | Paul Tittensor | Chief of Police |
| | Dennis Vincent | Police Lieutenant |
| | Alan Wright | Public Power Director |

Mayor Christensen called the meeting to order. The Reverence Period was given by Mayor Christensen. The Pledge of Allegiance was recited.

Approval of Minutes. Councilmember Christensen noted that on page 2, line 41 and 42, it should say "culture" instead of "cultural." A motion to approve the minutes of the May 7, 2009 Council and Executive Session was made by Councilmember Ruth Jensen, seconded and carried.

Mayor Christensen presented the agenda as follows:

**PUBLIC COMMENT
CONSENT**

Appointment to Volunteers in Police Services

PUBLIC HEARING

Brigham City's 2009-10 Budget, Which Includes a Transfer from the Public Utility Fund to the General Fund, a 1% Salary Increase for Elected and Appointed Officials and an Increase in Electric, Water, Storm Drain, Sewer and Waste Collection Fees

SCHEDULED DELEGATION

Request for a Dog Park Area - Heather Robison (*tabled*)

Presentation of Movie "Wings of Thunder"

Request for Extension of Plat Recordation Development of North Point Subdivision

NEW BUSINESS

Request for Approval of Ordinance Updating the Citizen Corps Council Organization and Function

Request for Approval of Updates to Policies and Procedures Manual

UNFINISHED BUSINESS

Updates from Facilities Committee

Follow Up to Automatic Meter Reader Proposal Discussion (*tabled*)

MAKING LIFE BETTER - DEPARTMENT REPORTS

CLAIMS

Payment Register

Councilmember Marabella made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

Larry Whitlock - Mr. Whitlock said he understands that Mr. Mitchell is on the agenda regarding the process on his plot. He said this property looks like a pit. All the trees are down, there are man sized weeds, trenches full of water, snakes and rodents. There is open water where the kids play. It is unsafe and unsanitary. Mr. Whitlock has put a fence around his property to try and block some of it out. It would take a 20' fence to do that. He wakes up every day and look at that ugly mess.

CONSENT

Appointment to Volunteers in Police Services

It was recommended Emily Stark be appointed to the Volunteers in Police Service.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Reese Jensen, seconded by Councilmember Marabella and unanimously carried.

PUBLIC HEARING

Brigham City's 2009-10 Budget, Which Includes a Transfer from the Public Utility Fund to the General Fund, a 1% Salary Increase for Elected and Appointed Officials and an Increase in Electric, Water, Storm Drain, Sewer and Waste Collection Fees

A motion to open the public hearing was made by Councilmember Reese Jensen, seconded and carried.

Hazel Purdue - Ms. Purdue said even though she has the greatest respect for the City's department heads, being in public service for a long time she has found that for those at the top of the salary schedule 1% is much more, and 1% is not much for those at the bottom. She felt there should be a cap on salaries and then use the 1% budgeted for those at the bottom. In addition, she felt it is irresponsible to transfer money from the Utility Fund to the General Fund every year. She did not feel this was fiscally responsible. The water bills were raised last year retroactively after a hot summer and increased electric rates. If there was over \$2,000 in there she felt this was in excess. Some are being taxed twice. She encouraged the Council to look at these two items.

Wilbur Fowler - Mr. Fowler said he was on the UTOPIA Committee and still thinks it's a bad idea. He felt it is time the City take a look at who lives in Brigham City. All the houses on the block where he lives are rentals except four houses. This town is not the UTOPIA town of Utah any more. Our schools are all poverty level. That is who lives here. He did not begrudge employees getting a raise, but the City needs to look at what they are spending money on. The City spent thousands of dollars on the parking lot downtown. Did it help? There are less parking spaces and there are now lights, but the businesses are closed at night. He looks at City trucks and they are very expensive trucks. Why? These trucks are built for a million miles and the City runs them for 100,000 miles then trades them in. He said he knows a lot of people whose Social Security is less than \$1,000 a month and their utilities are \$200. That is 20% of their income. He suggested raising property taxes and give some of the lower income people a break. His mother-in-law's income is \$700 a month; her utilities are \$200 a month. Things can be done a little more conservatively. The City does not need to subsidize the golf course and then charge kids \$3 to play in the park. There is a beautiful golf course where he is from and it is closing due to lack of interest. Times are changing. Over 50% of residents are single families. If they had the time they don't have the money to go golfing. Factories are laying people off and people are hurting. He doubted that UTOPIA or the Dance Academy will benefit 20% of the citizens, but 100% of them are having to pay for it. Renters are not going to sign up for UTOPIA.

Bonnie Germer - Ms. Germer expressed concerns about the new project. She heard that part of this new project is a museum. She would like to know the cost of that and if anyone knows the cost to take care of that forever. Why does the City need a museum? There is also talk of a new library. Do we need one right now? Who is going to pay for all of these new buildings? There are a lot of people out of work and a lot of low

income people. The economy is so low that people that had money have lost half of their investment. Seniors don't get raises. The Council needs to think about who is going to pay for this big project. It has many buildings and none are less than \$5 million. She was also concerned about the 1% increase for employees. If the raise didn't come through, who is going to leave? There is no place for them to go. If they want to leave, let them go. The Council needs to take care of the people who the City is billing. Take care of the citizens first. If the employees can't afford to live on what they are making now, cut them. Let them go. There are a lot of people who would love to have a City job. The Council needs to think about who is paying the bill on this and there are not a lot of people making a lot of money right now.

A motion to close the public hearing was made by Councilmember Reese Jensen, seconded and carried.

The Mayor and Council responded to the comments made in the public hearing. Mayor Christensen said there has been hundreds of hours preparing this budget. She started in January interviewing every director and went over their budgets and line items. There was a request for \$6 million for capital improvement projects; this was cut to \$2 million. She presented her budget and then the Council looked at it and refined it even further, cutting areas they thought could be cut. She added that City Departments have had a flat budget for the last three years. They have tried many different ways to cut costs. Employees are to be commended because there has been more collaboration between departments and shared resources on many projects, which has saved the City money.

Regarding Ms. Purdue's comments on salaries Mayor Christensen explained that the City has implemented a performance management program and employees are held accountable for goals they set and directors oversee those. Employees have to be able to reach their goals and they are rated on how well they complete those goals. Departments receive 1% of the budgeted money which is then given to employees if they meet certain levels within the performance rating. Those that are below market will receive an increase to bring them up to market. The idea behind this is so employees have a job that at least pays close to market so they don't leave for more money. The City wants to keep good employees. Those over market will receive less, depending on what rating score they receive. City employees are at 96% of market. It costs the City money to train new employees. Councilmember Christensen added that some employees will receive more than 1% and some won't get any. Councilmember Marabella said several years ago Brigham City was the training ground for police officers. An officer would start with Brigham City, stay a year or two, then move onto another City that paid more. One particular officer quit and went to Ogden and made \$2.50 more an hour. It is easy to say just let employees go, but it is very expensive to retrain a new employee. The City has great employees. The budget started out with 2% for the employees and the Council cut it to 1%. Councilmember Christensen felt that 1% is a very small amount. He is also a senior citizen and received a 5.8% increase in his Social Security last year because it was tied to the Consumer Price Index. Everyone that is on Social Security received a 5.8% increase which went into effect the first of January.

Councilmember Marabella continued that this is very frustrating for the Council. The Council has had 10-12 open meetings that have been published in the paper and citizens had the opportunity to give input throughout the budget process and no one showed up. The Council are elected officials doing the best they can, but if citizens don't provide feedback through phone calls or e-mails, this is what happens. It is easy for the citizens to say things should have been done differently, but the Council has worked on this budget over 60 hours and it is probably not perfect. He has worked through the budget process six times and this one has been the most difficult.

Councilmember Reese Jensen said the Council is very sensitive of the burden put on citizens. It becomes a juggling act between the employees who provide the services for the citizens and the quality of service provided to the citizens. They did not want to compromise service to the citizens. When councilmembers ask citizens what services they are willing to give up due to budget concerns, there has never been a citizen say they are willing to eliminate any City services. They do not want to give up anything. It is difficult to balance the services the citizens want and expect at the level they want while balancing the budget. It is difficult, but in the end the Council tried to satisfy both the employees and citizens.

Mayor Christensen said regarding the Dance Academy Building that this is being done with federal government funding. The City received \$1.1 million through Senator Bennett and Congressman Bishop. Any thing that is done in Phase II, which is the inside of the building, will be done through fundraisers by the

Academy Square Steering Committee. City dollars are not being used on this project, other than the original purchase in 1997.

Regarding economic development, the Mayor said every current and past councilmember since she has been Mayor has had economic development as their number one priority. The City formed five EDAs and one RDA. In the Northwest EDA, Nucor came in bringing 250 jobs. That EDA project will be able to generate income and through tax increment be able to pay back some of the up-front costs the City put into it. Procter and Gamble is another example. They will employ 250 people with potential for more over the next ten years. Brigham City is providing the water and sewer for P&G, which the City has not paid anything for. This was a \$23 million project which has been paid through funding from the Legislature and the Water Control Board and CIB Board.

Mayor Christensen said City employees have been very dedicated to cut costs. Everyone has been very aware of today's tight economic situation.

Mayor Christensen explained the City's fleet program and rotation of City vehicles every 7-10 years. This time frame was chosen because it provides the best return on investment. Councilmember Ericson added that the City tries to do this before maintenance costs get too high on the vehicle to the point that the cost to maintain it is as much as a new one that performs better.

The Mayor said UTOPIA and bringing in business are synonymous to her. Businesses want high fiber broadband opportunity. It is the first thing they ask. This has actually saved some businesses from leaving the City. One of the reasons Nucor came to Brigham City is because of fiber. Both GEM and Nucor have fiber. The City provides infrastructure and this is another infrastructure the City will provide. She felt it is critical to the City's future.

Councilmember Christensen explained the utility transfer. The Brigham City Power Department is owned by Brigham City, which is owned by the citizens. He looks at the utility transfer as a dividend on their investment, like any corporation that gives dividends. Electrical rates remain the same as Rocky Mountain Power. If the City did not make the transfer property taxes would have to be increased. He added that property tax affects a much narrower group of people, only those that own property. Renters don't pay property tax. He felt that utility rates is the fairest way to do it because it is so broad in its scope. Brigham City's property taxes actually went down two years ago and will again next year when the EMS Building is paid off. Councilmember Reese Jensen added that not only do renters not pay, but also all government buildings are tax exempt. It puts a greater burden on individual property owners. Councilmember Marabella said churches also do not pay property tax.

SCHEDULED DELEGATION

Presentation of Movie "Wings of Thunder"

Mr. Bob Valentine announced that the Friends of the Bird Refuge has had a movie made which tells the story of the Bear River Bird Refuge and it is now ready for release. The premiere will be June 19 by invitation only. On Saturday, June 20 the movie will be shown at the Bird Refuge Visitor's Center every hour on the hour beginning at 10:00 a.m. That evening at 9:30 there will be an outdoor showing of the movie at the City Plaza.

Request for Extension of Plat Recordation Development of North Point Subdivision

Mr. Scott Mitchell came to the table and explained that he has been developing the North Forty Subdivision for the last five years and was hoping to continue across the street. He had 40 lots pre-sold. Then the economy stopped and his buyer was unable to secure his financing so he stopped the project. Now things are starting to pick up a little and he has an opportunity to start development again in the near future, probably this summer. He explained that the City has a requirement that one year after a developer applies for a subdivision it has to be recorded at the County.

Mr. Morgan said the problem is that City ordinance does not allow for an extension either by staff or the Council.

Councilmember Christensen said a side issue of this property is the comments by Mr. Whitlock and the Council also received another letter from another citizen about the dangers on the property. Mr. Mitchell apologized for the condition of the property, adding that it is a difficult piece of property to keep up. Delaying this would make these concerns worse. He is ready to start developing the property.

Councilmember Marabella said as a property owner across the street, Mr. Mitchell has not demonstrated to him or any of the citizens in the area that he wants to be a good neighbor. He has not maintained the weeds, the Dyers Woad is all over the property and is spreading to other property. Mr. Mitchell said Utah State University is doing a study and spraying the property and they have been doing that all summer. He has mowed the property 30' back. Mr. Mitchell said he would love to have it sold and landscaped, but it has been difficult.

Councilmember Ericson asked if Mr. Mitchell felt he could move on the property within six months. Mr. Mitchell replied that the economy is starting to turn. Councilmember Ericson was concerned that if the six-month extension is granted Mr. Mitchell will be back asking for another extension in six months. Councilmember Reese Jensen did not think the City can tolerate that property being neglected for another six months or a year while Mr. Mitchell gets his finances in order. It is an eyesore. It is a main gateway to Brigham City and when people enter Brigham on the north they are greeted with a field full of weeds in an area that is grossly neglected. Mr. Mitchell said it is his hope the sales that they've seen and the sales that they have locked up is an indication that the economy is starting to turn. He added that he did not think it will rebound completely in six months, but hopefully enough for him to do Phase I and clean up the property. He said he has financing in process and it is very promising.

Mayor Christensen said the overall big picture that the Council needs to decide on is whether or not to revise the ordinance to allow a six-month extension in certain circumstances. According to the City Attorney this has to be done by changing the ordinance, it cannot be just for Mr. Mitchell. Councilmember Marabella added that the Planning Commission should be involved in this.

MOTION: Councilmember Reese Jensen made a motion to refer this matter back to the Planning Commission for their evaluation and bring it back to the Council with a recommendation. The motion was seconded by Councilmember Christensen. Councilmember Ruth Jensen asked if the City is going to check to see if Mr. Mitchell's property is within the City's Code. Mr. Johnson said he will check on this. Councilmember Ruth Jensen asked if anyone has checked for mosquito larva. Mr. Johnson said Mosquito Abatement would be the one to do that and he is not sure if they have done that or not. Councilmember Marabella, as a representative on that Board, will talk to them about it. Mr. Mitchell explained that the waterways and ditches have been there forever. There are 401 permits that have been on that property for at least 15 years. Councilmember Marabella said Mr. Mitchell has done something to the waterways because there are now open ditches. Councilmember Ruth Jensen said in addition the property is overgrown with weeds so people cannot see the ditches. Mr. Mitchell said it is private property and it is fenced, so he would hope people stay off it. Mayor Christensen called for a vote on the motion. The motion unanimously carried.

NEW BUSINESS

Request for Approval of Ordinance Updating the Citizen Corps Council Organization and Function

Mr. Buchanan came forward and explained that this ordinance divides the Citizen Corps Council into two groups with an Executive Board which will allow a more hands on approach by the citizens and less by the staff. It also expands the representation and involves the religious community.

MOTION: Councilmember Marabella moved to approve the ordinance updating the Citizen Corps Council organization as stated, seconded by Councilmember Ruth Jensen and carried.

Request for Approval of Updates to Policies and Procedures Manual

Mr. Rick Bosworth came to the table and stated that URMMA reviewed the City's Policies and Procedures Manual. This update reflects their recommendations.

MOTION: Councilmember Marabella made a motion to approve the updates to the Policies and Procedures Manual. The motion was seconded by Councilmember Christensen and unanimously carried.

UNFINISHED BUSINESS

Updates from Facilities Committee

Councilmember Ericson gave a presentation on the City's space needs. It included pictures of some of the space problems throughout City Hall.

The MHTN Space Needs Study states that the 5-year space needs for the City is 71,741 square feet. The current City Hall is 20,000 sq. ft. After many meetings and looking at various options, the Space Needs Committee's recommendation is to build a new City Center Plaza. A new building would be constructed north of the current building. It would be connected to the current City Hall with an atrium.

Brigham City's Senior Center is the busiest Senior Center in Northern Utah. The senior population will be growing immensely with the Baby Boomers beginning to retire. In order to provide more room for this Department, the Museum would move to the current City Hall and the Senior Center could expand into the basement of their current building. This would also provide space for the Gunther Collection.

The Police Department currently has no secure facility to separate assailants and witnesses. There is an extreme need for secure storage of weapons, confiscated property and documents. They would locate in a new building adjacent to City Hall east of what is now the City Hall parking lot.

City Hall would be located in a new facility directly to the north of the current City Hall. All City departments would be housed in this facility and it would be a single location for City services. This building would provide an opportunity for the County to partner with the City on a shared Council Chamber and Justice Court.

The Committee believes this is the right direction for a Master Plan for City facilities.

The question has come up why do this now, with the economy the way it is. The main reason is because there are inadequate facilities to provide City services. Another reason is because a facility started in the next year can be built for approximately 60% of the cost at this time last year. Building in this bidding environment is the fiscally conservative approach to maximize use of taxpayer dollars. This construction window is closing. In order to stay in this window a decision should be made by the end of October.

The Committee determined that the best way to fund this project is to lease a building. Contractors have expressed their willingness to build a building, or a series of buildings, that would meet the City's needs for the next 30 years. The City would lease the space back from the developer as an operating expense. At the end of the lease ownership would be transferred to the City.

Councilmember Ericson stated that the City is not prepared to move forward on this project yet. Before this happens the public needs to be aware and provide input on how to resolve the space needs of City government. The Committee plans to discuss this at civic groups and hold open meetings. Whether the City moves forward on this project or not, something needs to be done to resolve the security needs of the Police Department and other City needs within the City.

With the construction industry in flux as it currently is, a determination cannot be made on whether the City has the ability to make lease payments until the actual cost is known.

In addition, a parking study needs to be done. Parking will be a challenge on this project, but the Council wants to make sure the City follows the parking ordinances in place.

Additional design work is also needed before a final decision can be made. This needs to include the location of various departments within the building, type of facade on the exterior and a commitment to maximize space that is built. The plan is to begin at the architect's estimate and cost and work backwards.

There are still some parcels that are not owned by the City that will be affected by this project. Conversations have been ongoing for several years regarding these various projects within the City. These time lines need to be accelerated.

Councilmember Marabella said he thinks the construction window is nearly closed. At his place of business they received 12 bids for new commercial construction, the most they have received in six months. He did not feel a decision should be made solely on expected low construction costs.

MOTION: Councilmember Christensen made a motion to accept what the Facilities Committee presented and to give them direction to proceed with additional information and bring it back to the Council. The motion was seconded by Councilmember Reese Jensen and unanimously carried.

Follow Up to Automatic Meter Reader Proposal Discussion

This item was tabled until June 18.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Making Life Better Day - A slide presentation was given on the Making Life Better Day held May 20. Mr. Buchanan reported that the Committee has already met and reviewed the event and how they can make it better for next year. The Committee felt that the event was very successful and helps the citizens know what the City really does. Councilmember Marabella questioned whether this should be held every year or maybe every other year due to the cost and time it takes. Mr. Buchanan said the Committee looked at the costs and how it can be streamlined.

CLAIMS

Payment Register

Councilmember Marabella moved to approve General Claims dated May 26, 2009 in the amount of \$108,074.18; June 3 for \$583,007.01. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Reese Jensen. The motion was seconded and carried unanimously. The meeting adjourned at 9:24 p.m.